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8                           **UNITED STATES DISTRICT COURT**  
9                           **DISTRICT OF NEVADA**

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11                   DONALD KIE, JR.,

12                   Petitioner,

13                   v.

14                   WARDEN GARRETT, et al.,

15                   Respondents.

16                   Case No. 3:20-cv-00709-RCJ-CLB

**ORDER**

17                   This is a habeas corpus matter under 28 U.S.C. § 2254. Previously, the court found that  
18 petitioner Donald Kie's initial petition was completely vague, and the court directed Kie to file an  
19 amended petition that corrected the defects of the initial petition. ECF No. 6. The court also  
20 denied Kie's motion for appointment of counsel because his initial petition had no probability of  
21 success. Id.

22                   Kie has now filed a request for leave to file longer-than-normal habeas petition, with an  
23 attached amended petition. ECF No. 10. Kie also has filed a request for leave to file second  
24 motion for appointment of counsel, with an attached motion. ECF No. 11. Neither motion for  
25 leave is necessary. The court has no page limit on a petition for a writ of habeas corpus, LSR 3-  
26 2(b), and the court has not restricted Kie from filing motions. Nevertheless, the court will grant  
27 these motions.

1           The court also will grant the underlying motion for appointment of counsel. Kie is unable  
2 to afford counsel. Kie has a long prison sentence, and the issues he presents could benefit from  
3 representation by counsel. See 18 U.S.C. § 3006(a)(2)(B). The court will provisionally appoint  
4 the Federal Public Defender to represent Kie.

5           IT THEREFORE IS ORDERED that the request for leave to file longer-than-normal  
6 habeas petition (ECF No. 10) is **GRANTED**. The clerk of the court is directed to file the  
7 amended petition currently in the docket at ECF No. 10-1.

8           IT FURTHER IS ORDERED that the request for leave to file second motion for  
9 appointment of counsel (ECF No. 11) is **GRANTED**. The clerk of the court is directed to file the  
10 motion for appointment of counsel currently in the docket at ECF No. 11-1.

11           IT THEREFORE IS ORDERED that petitioner's motion for appointment of counsel is  
12 **GRANTED**. Counsel will represent the petitioner in all federal proceedings related to this  
13 matter, including any appeals or certiorari proceedings, unless allowed to withdraw.

14           IT FURTHER IS ORDERED that the Federal Public Defender is appointed provisionally  
15 as counsel for petitioner. The Federal Public Defender will have 30 days from the date of entry of  
16 this order either to undertake representation of petitioner or to indicate to the court the office's  
17 inability to represent petitioner. If the Federal Public Defender is unable to represent petitioner,  
18 then the court will appoint alternate counsel, subject again to establishment of financial eligibility.  
19 The court will set a deadline for filing of an amended petition or a motion seeking other relief  
20 after counsel has appeared. The court does not signify any implied finding of tolling during any  
21 time period established or any extension granted. Petitioner always remains responsible for  
22 calculating the limitation period of 28 U.S.C. § 2244(d)(1) and timely presenting claims. The  
23 court makes no representation that the petition, any amendments to the petition, and any claims in  
24 the petition or amendments are not subject to dismissal as untimely. See Sossa v. Diaz, 729 F.3d  
25 1225, 1235 (9th Cir. 2013).

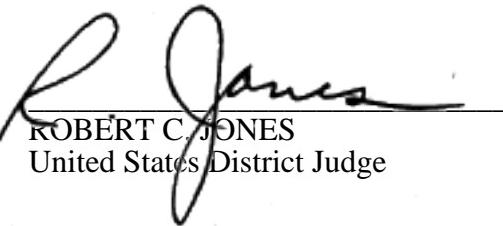
26           IT FURTHER IS ORDERED that the clerk add Aaron Ford, Attorney General for the  
27 State of Nevada, as counsel for respondents.

1 IT FURTHER IS ORDERED that respondents' counsel must enter a notice of appearance  
2 within twenty-one (21) days of entry of this order, but no further response will be required from  
3 respondents until further order of the court.

4 IT FURTHER IS ORDERED that the clerk provide copies of this order and all prior  
5 filings to both the Attorney General and the Federal Public Defender in a manner consistent with  
6 the clerk's current practice, such as regeneration of notices of electronic filing.

7 IT FURTHER IS ORDERED that, notwithstanding Local Rule LR IC 2-2(g), paper copies  
8 of any electronically filed exhibits need not be provided to chambers or to the staff attorney,  
9 unless later directed by the court.

10 DATED: May 24, 2021.

  
11 ROBERT C. JONES  
12 United States District Judge

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